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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,338	09/22/2005	Wouter Jozef Maes	NL 030311	9985
24737 7590 08/02/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER TRUONG, BAO Q	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 08/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/550,338

Applicant(s)

MAES ET AL.

Examiner

Bao Q. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/28/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Objections*

2. Claims 2-13 and 15-20 are objected to because of the following informalities:

Claims 2-13, in preamble, "Moving-head device" should be changed to –The moving-head device--.

Claims 15-20, in preamble, "Head" should be changed to –The head--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 5-7, 9-15, 17-21 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bornhorst et al. [US 5,590,955].

Regarding claims 1 and 14, Bornhorst et al. discloses moving-head device having a foot [86], a first rotation member [82] which is rotatable with respect to the foot

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[82] about a first rotation axis [the axis through both of 82 and two arms of 86], a light source [61] for emitting light, which is arranged in the first rotation member [82], and a second rotation member [84] which is rotatable with respect to the first rotation member [82] about a second rotation axis [central axis 38 of member 82] and which has an external light outlet [16, or an aperture on 87 between two arms 84] for emitting light originating from the light source [61] (figures 8, 9, 12 and 18, column 8 lines 1-57, column 9 lines 28-55).

Regarding claims 2 and 15, Bornhorst et al. discloses directing means [89c, 89d, 89b] for directing light originating from the light source [61] to the external light outlet [the aperture between two arms 84] (figures 8 and 9 and 12).

Regarding claim 3, Bornhorst et al. discloses at least a portion [yoke cross member 26] of the second rotation member [84] encompassing at least a portion [exit aperture 87] of the first rotation member [82] (figures 9 and 12).

Regarding claims 5 and 17, Bornhorst et al. discloses the first rotation member [82] having an internal light outlet [40, 87], and wherein the second rotation member [84] has a light inlet [aperture at 26 facing mirror 16] facing the internal light outlet (figures 9 and 12).

Regarding claim 6, Bornhorst et al. discloses the second rotation member [84] being rotatably connected to the first rotation member [82] through a disc [a thin circular object 40] which is fixed with respect to one of the rotation member [84] and which is rotatable with respect to another one [84] of the rotation members (figures 8, 9 and 18).

Regarding claims 7 and 18, Bornhorst et al. discloses a reflector [62] partially surrounding the light source [61] (figure 8).

Regarding claims 9 and 20, Bornhorst et al. discloses the light source comprising a high power lamp [61] (figure 8).

Regarding claim 10, Bornhorst et al. discloses a lens unit [65] for converging light originating from the light source [61], the lens unit [65] preferably being arranged in the first rotation member [82] (figure 8).

Regarding claim 11, Bornhorst et al. discloses at least one processing unit [63] for processing light originating from the light source [61] (figure 8).

Regarding claim 12, Bornhorst et al. discloses a mirror [16] for changing the direction of the light originating from the light source [61] by reflecting the light (figures 8 and 9).

Regarding claim 13, Bornhorst et al. discloses the rotation axes [the axis through both of 82 and two arms of 86, and the central axis 38] being substantially perpendicular to each other (figures 8 and 12).

Regarding claim 19, Bornhorst et al. discloses a cooling device [cooling systems] for cooling at least one side of the light source [61] (column 6 lines 49, 51, column 9 lines 1-3).

Regarding claim 21, Bornhorst et al. discloses an apparatus having a first rotation member [82] having a first housing [82, see figures 8 and 12], a first rotation mechanism [86] at an exterior of the housing [82] via which the first rotation member [82] being rotatable with respect to a foot [46] about a first rotation axis [the axis through

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both of 82 and two arms of 86], a light source [61] disposed within the first housing [82], and a second rotation member [84] having a second housing [26], a second rotation mechanism [structure 72, 75] at an exterior of the second housing via which the second rotation member [84] being rotatable with respect to the first rotation member [82] about a second rotation axis [38], means [89c, d, b] for receiving and directing light from the light source [61], and a light outlet [exit 16 with arms] at the exterior of the second housing [26] for emitting light originating from the light source [61] (figures 8, 9, 12 and 18, column 8 lines 1-57, column 9 lines 28-55).

Regarding claim 26, Bornhorst et al. discloses the first housing [82] being adapted to be suspended from the foot [46] (figure 12).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 8, 16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bornhorst et al. in view of Headrick [US 4,298,911].

Regarding claim 4, Bornhorst et al. discloses the portions [26, 87] of the rotation members [82, 84], but does not disclose the bearing means arranged between the portions.

Headrick discloses the bearing means [40] being arranged between the portions [38 and 42] in a movable lighting system (figure 6).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the rotation of the two members of Bornhorst with the bearing means as taught by Headrick to reduce friction between the rotation of two members for purpose of providing an advantageous way of smooth rotations, therefore, reducing electrical supply to rotate the members.

Regarding claim 8, Headrick discloses a cooling device [fan 90, 94] for cooling at least one side of the light source [74], wherein the cooling device [fan 90, 94] is arranged so as to provide cooling air to the light source [74], and wherein the reflector [84] is provided with an inlet [86] for admitting the cooling air (figures 3 and 5). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Bornhorst with the cooling device as taught by Headrick for purpose of providing an advantageous way of maintaining the system for longer lifetime.

Regarding claim 16, Bornhorst et al. discloses at least a portion [yoke cross member 26] of the second rotation member [84] encompassing at least a portion [exit aperture 87] of the first rotation member [82] (figures 9 and 12); and Bornhorst et al. discloses the portions [26, 87] of the rotation members [82, 84], but does not disclose the bearing means arranged between the portions.

Headrick discloses the bearing means [40] being arranged between the portions [38 and 42] in a movable lighting system (figure 6).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the rotation of the two members of Bornhorst with the bearing means as taught by Headrick to reduce friction between the rotation of two members for purpose of providing an advantageous way of smooth rotations, therefore, reducing electrical supply to rotate the members.

Regarding claim 27, Bornhorst et al. discloses a light source [61], a reflector [62] defining a beam direction being substantially horizontal [since 86 being rotated] and the first rotation axis being vertical (via to horizontal axis of the housing 82). Bornhorst et al. does not disclose the first housing having cooling means adapted to cool an upper part of the reflector and the cooling means always cools the upper part of the reflector without adjustment responsive to rotation.

Headrick discloses the first housing [70] having cooling means [94] adapted to cool an upper part of the reflector [84] and the cooling means [94] always cools the upper part of the reflector without adjustment responsive to rotation (figures 3 and 5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Bornhorst with the cooling device as taught by Headrick for purpose of providing an advantageous way of maintaining the system for longer lifetime.



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7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bornhorst et al. in view of Pujol et al. [US 6,412,972 B1].

Regarding claim 22, Bornhorst et al. discloses the first housing [82] forming a concavity and the first and second housing [84] being adapted to rotate (figure 12 and 8-9), but does not clearly disclose the portion of the second housing being movable within the concavity in the first housing.

Pujol et al. discloses the portion [50, 52] of the second housing [14] being movable within the concavity in the first housing [12] (figure 12, column 6 lines 62-67, column 8 lines 13-21).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the housings of Bornhorst et al. with the portion of the second housing as taught by Pujol et al. to connect rotatably the housings together for purpose of providing an advantageous way of easy installing/uninstalling and maintaining.

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bornhorst et al. in view of German DE 3807504 A1.

Regarding claim 23, Bornhorst et al. discloses the second housing [84] forming a concavity and the first and second housings [84] being adapted together (figures 12 and 8-9), but does not disclose the portion of the first housing being movable within the concavity in the second housing.

German DE 3807504 A1 discloses the portion [30] of the first housing [14] being movable within the concavity in the second housing [12] (figure 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the housings of Bornhorst et al. with the portion of the first housing as taught by German DE 3807504 A1 for purpose of providing an advantageous way of small, compact size of the system for transportation and maintain.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bornhorst et al. in view of Pujol et al. [US 6,412,972 B1] and German DE 3807504 A1.

Regarding claim 24, Bornhorst et al. discloses the first and second housings [82 and 84] each forming respective concavities and the housings being both adapted (figures 12 and 8-9), but does not disclose each having the portion that is movable within the concavity of the other.

Pujol et al. discloses the portion [50, 52] of the second housing [14] being movable within the concavity in the first housing [12] (figure 12, column 6 lines 62-67, column 8 lines 13-21).

German DE 3807504 A1 discloses the portion [30] of the first housing [14] being movable within the concavity in the second housing [12] (figure 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the housings of Bornhorst et al. with the portion of the second housing as taught by Pujol et al., and with the portion of the first housing as taught by German DE 3807504 A1 to connect rotatably the housings together for

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purpose of providing an advantageous way of easy installing/uninstalling and maintaining, and for purpose of providing an advantageous way of small, compact size of the system for transportation and maintaining.

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bornhorst et al.

Regarding claim 25, Bornhorst et al. discloses the first housing [82] being adapted to rest in the bottom of the foot [46] (figure 12), but does not clearly disclose the housing being adapted to rest on top of the foot.

This is considered to rearrange parts, since it has been held that rearranging parts of a prior art structure involves only routing skill in the art. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to rearrange parts of Bornhorst et al. for purpose of providing an advantageous way of installation and maintaining.

### ***Response to Amendment***

11. Applicant's amendments of new claims and arguments filed on 6/28/2007 have been fully considered but they are not persuasive.

Regarding to the applicant's view of the embodiments of figures 8-12 of Bornhorst, the embodiment of figure 12, which shows the rotations of the two housing,

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has been used. Other figures have been used to show the detail structures of the two rotatable housings.

Claims 1 and 14, the applicant disagrees the element 82 being a rotation member at Fig. 8. However, the examiner uses the figure 12, which show the element 82 being rotated (figure 12, column 9 lines 30-35). Furthermore, the applicant argues the term "aperture". However, the term "aperture" is not recited in claim.

Claim 5, Bornhorst et al. discloses the first rotation member [82] having an internal light outlet [@ 40, 87], and wherein the second rotation member [84] has a light inlet [aperture at 26] facing the internal light outlet [@ 40, 87] (figures 9 and 12).

The applicant should clearly point out the patentable novelty, which he or she thinks the claims present in view of the state of the art disclosed by the references cited, or specifically points out how the language of the claims patentably distinguishes them from the references.

Claim 6, the examiner interpreted a "disk" as a thin circular object, which Bornhorst et al. shows as the element 40 in figure 9.

Claims 9 and 20, Bornhorst et al. discloses the enormous amount of heat generated by the lamp (column 1 lines 35-37) so it should be high power lamp.

Claim 8, Headrick shows the inlet [@ 86] at the reflector [84] (see figure 5).

New claims 21-27 are rejected as above.

***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

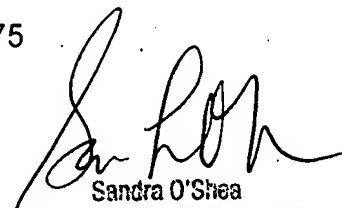
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bao Q. Truong  
Examiner  
Art Unit 2875



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800